

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH, CENTRAL DIVISION	
PHL VARIABLE INSURANCE COMPANY, Plaintiff, v. THE SHELDON HATHAWAY FAMILY INSURANCE TRUST, by and through its trustee, DAVID HATHAWAY Defendant. WINDSOR SECURITIES, LLC, Intervenor Defendant.	ORDER DENYING STIPULATED MOTION TO AMEND CURRENT SCHEDULING ORDER AND VACATING HEARING Case No. 2:10-cv-00067-DAK-BCW

The Court DENIES the Stipulated Motion to Amend Current Scheduling Order [108] and VACATES the hearing set for 7/11/2012 [109].

The moving parties, Intervenor-Defendant Windsor Securities, LLC and PHL Variable Insurance Company, did not obtain a stipulation to extend the the Scheduling Order from the Defendant, the Sheldon Hathaway Family Insurance Trust. Therefore the Motion is not Stipulated.

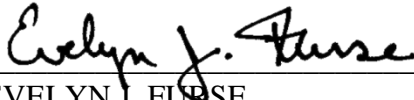
The unresolved discovery dispute offered as good cause for extending the schedule was filed in a separate case in Maryland. This case has no pending discovery motions. Thus, the alleged dispute does not provide good cause for an extension in this case.

The Plaintiff filed this case on January 28, 2010. Amending the schedule for the fourth time would extend the trial date more than three years after filing of the case.

For these reasons, the Court does not find good cause pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and denies the Motion. With this ruling, no need exists for the hearing, which this Court vacates.

DATED this 9th day of July, 2012.

BY THE COURT:



EVELYN J. FURSE
United States Magistrate Judge